



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

August 14, 2013

Senate President Justin Alford
Office of the Senate President
State House
Augusta, ME 04333

Speaker of the House Mark Eves
Office of the Speaker of the House
State House
Augusta, ME 04333

Dear President Alford and Speaker Eves:

Since I took office as Governor and over the course of the past legislative session, I and my entire Administration have worked hard to assure that legislative committees of jurisdiction, as well as the Appropriations Committee, receive pertinent and timely information as requested. We have also made great efforts to assure that the appropriate Executive Branch employees are present to answer questions at Committee to assist the Legislature in its deliberative process.

I have also, however, made a great effort to assure that the Executive Branch is able to carry on its important work and functions as established in law. To that end, we have been conscientious about not spending unnecessary time sitting in committee rooms when there is work to be done back at the relevant state agency. In many cases I may have a Commissioner or staff person attend only as necessary and submit written information if the request can be fulfilled without taking people away from their ongoing work.

This is why the letter I received from you yesterday troubles me in two specific ways.

First, it contains factual errors. The \$57 million in voter approved bond funding will not meet short-term infrastructure needs as you imply. The \$41 million is not flexible and may not be used for unspecified transportation projects. As passed by the Legislature and approved by the voters, \$41 million must be used for bridges and highways alone. This funding has long been incorporated into the DOT work plan and planning is very much ongoing to turn these funds into projects. Roads and bridges are important, but Maine also needs the flexible funding proposed in my bond for transportation economic development activities that help create jobs. Commissioner Bernhardt cited several great examples of job creating projects that require nimble, flexible funding. The Department's testimony before AFA last June and yesterday's letter would provide further detail into these requirements.

Second, I take exception to your gratuitous attacks of Commissioner Bernhardt. An engineer and 30-plus year veteran of Maine DOT, Bernhardt is leading a remarkable transformation of DOT for the good of Maine's traveling public and economy. He provided the



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Committee with a comprehensive and thorough analysis of the need for the \$100 million bond and its structure yesterday in writing, last June before the committee, and repeatedly in personal meetings with both of you, your staffs, and dozens of legislators of both parties. This diligent work with the legislature can hardly be considered obstructionist. Despite a busy schedule managing a large department with thousands of ongoing construction projects, he is available to answer additional questions committee members may have in a timely fashion. We decided together that he should decline your invitation to attend yesterday for other pressing matters. Please keep in mind that prioritizing the Commissioner's schedule on any given day is fundamentally an executive not legislative decision.

I respect your deliberative process and that you may need information and attendance of Executive Branch employees from time to time. I ask that in return, you respect that as Chief Executive of the State of Maine it is my duty to assure that the laws are faithfully carried out, and therefore, I will determine how the Executive Branch most effectively spends its time with the Legislative Branch, not the other way around. Therefore, going forward, I ask that should you need Commissioners or other agency leadership or staff to attend a committee meeting, you direct the request to me directly or include me as a cc on correspondence to a department. You may send email to the attention of Micki Mullen, my Executive assistant. I have no intention of obstructing the deliberative legislative process and you will find that I will be very accommodating, but it is imperative that I have say over how Executive Branch personnel time is spent.

Sincerely,

A handwritten signature in black ink that reads "Paul R. LePage". The signature is written in a cursive, slightly stylized font.

Paul R. LePage
Governor